



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on December 4, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-98-3419

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Delta Air Lines, Inc.** filed **10/27/2000** for:

XX Waiver from the dormancy condition:

By Order 98-5-17, the Department granted certificate authority to Delta to provide service between Portland, Oregon, on the one hand, and Osaka and Fukuoka, Japan, on the other, and allocated Delta 14 weekly frequencies to operate these services. The frequencies are subject to the condition that they will expire automatically and revert to the Department for reallocation if they are not used for a period of 90 days. Delta is currently not using 13 of the frequencies.¹ The Department has previously granted Delta waivers of the dormancy condition for its Portland-Osaka and Portland-Fukuoka services.² Under the terms of the latest waivers, the frequency allocations for the 13 frequencies would expire December 26, 2000, and December 30, 2000, respectively. Delta seeks a further waiver of the 90-day dormancy condition until June 30, 2001. Delta states that economic conditions in Asia make it unfeasible to begin Portland-Osaka/Fukuoka service and that it has plans to move these frequencies to other U.S. cities.³

Applicant rep.: **Robert E. Cohn, (202) 663-8060** DOT analyst: **Gerald Caolo, 202-366-2406**

DISPOSITION

XX **Granted**

The above action was effective when taken: **December 4, 2000,** through **June 30, 2001.**⁴

XX **Action taken by:** **Paul L. Gretch, Director**
Office of International Aviation

¹ The Department granted Delta's request to move one of its Portland-Osaka/Fukuoka frequencies to provide New York-Tokyo service. Notice of Action Taken dated September 28, 2000, in Docket 2000-7904. Delta plans to begin that service April 1, 2001.

² See, e.g., Notices of Action Taken dated February 15 and May 8, 2000, in Docket 98-3419, and Notice dated November 22, 2000, in Docket 2000-7904.

³ Delta states that it intends to move the Osaka frequencies to Atlanta and the Fukuoka frequencies to Los Angeles, but it has not determined a start-up date to provide such service. Delta states that it will file the required notices in the future to provide such service.

⁴ Delta's waivers from the dormancy condition are effective until June 30, 2001, or until the date on which Delta begins service in each of the respective markets, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

(See Reverse Side)

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp.*